

MESSAGE NO: 2025307

MESSAGE DATE: 01/25/2012

MESSAGE STATUS: Active

CATEGORY: Countervailing

TYPE: LIQ-Liquidation PUBLIC ☒

NON-PUBLIC ☐

SUB-TYPE: OUTSCO-Out of Scope

FR CITE:

FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): C-570-955

EFFECTIVE DATE: 12/23/2009

COURT CASE #:

PERIOD OF REVIEW:

TO

PERIOD COVERED:

TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: COUNTERVAILING DUTY SCOPE DETERMINATION ON CERTAIN MAGNESIA CARBON BRICKS FROM THE PEOPLE'S REPUBLIC OF CHINA (C-570-955)

NOTICE OF THE LIFTING OF SUSPENSION OCCURRED ON THE MESSAGE DATE OF THESE INSTRUCTIONS. SEE PARAGRAPH 5 BELOW.

1. COMMERCE RECEIVED A SCOPE RULING REQUEST FROM S&S REFRACTORIES, LLC. AS TO WHETHER ITS TAP HOLE SLEEVE SYSTEMS ARE WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER COVERING CERTAIN MAGNESIA CARBON BRICKS FROM THE PEOPLE'S REPUBLIC OF CHINA (C-570-955).

2. 01/17/2012, COMMERCE DETERMINED THAT S&S REFRACTORIES, LLC'S TAP HOLE SLEEVE SYSTEMS DO NOT MEET THE PHYSICAL DESCRIPTION OF THE MERCHANDISE SUBJECT TO THE SCOPE OF THE COUNTERVAILING DUTY ORDER REFERENCED IN PARAGRAPH #1 ABOVE. THEREFORE, S&S REFRACTORIES, LLC'S TAP HOLE SLEEVE SYSTEMS, WHETHER ASSEMBLED OR DISASSEMBLED, AND SOLD AND ENTERED AS A COMPLETE SET, ARE NOT WITHIN THE SCOPE OF THE COUNTERVAILING DUTY ORDER REFERENCED ABOVE. A TAP HOLE SLEEVE SYSTEM IS COMPOSED OF THE FOLLOWING PARTS: (A) THE TAP HOLE SLEEVE UNIT, WHICH MAY BE ONE PIECE OR SEGMENTED, (B) TAP HOLE SURROUND BLOCKS, AND (C) TAP HOLE END BLOCKS. COMMERCE NOTES THAT ANY COMPONENT PARTS OF THE TAP HOLE SLEEVE SYSTEM, SUCH AS END BLOCKS OR SURROUND BLOCKS, WHICH MEET THE PHYSICAL DEFINITION OF THE SCOPE, IF SHIPPED SEPARATELY, WOULD BE COVERED BY THE SCOPE.

3. EFFECTIVE 12/23/2009, CBP SHALL TERMINATE SUSPENSION AND LIQUIDATE ALL UNLIQUIDATED ENTRIES OF THE TAP HOLE SLEEVE SYSTEMS DESCRIBED ABOVE WHICH WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION.

4. REFUND ANY CASH DEPOSITS AND RELEASE ANY BONDS RELATING TO THE TAP HOLE SLEEVE SYSTEMS DESCRIBED ABOVE.

5. THESE INSTRUCTIONS CONSTITUTE NOTICE OF THE LIFTING OF SUSPENSION OF

LIQUIDATION OF ENTRIES OF TAP HOLE SLEEVE SYSTEMS ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 12/23/2009.

6. THE ASSESSMENT OF COUNTERVAILING DUTIES BY CBP ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930, AS AMENDED. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDERPAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED COUNTERVAILING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED COUNTERVAILING DUTIES BEFORE THE DATE OF PUBLICATION OF THE COUNTERVAILING DUTY ORDERS. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED COUNTERVAILING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UNLESS INSTRUCTED OTHERWISE, FOR ALL OTHER SHIPMENTS OF CERTAIN MAGNESIA CARBON BRICKS FROM THE PEOPLE'S REPUBLIC OF CHINA NOT COVERED BY PARAGRAPH #2 ABOVE, YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED COUNTERVAILING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577, RESPECTIVELY (GENERATED BY O2: IDT).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

MICHAEL B. WALSH

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party